

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2838-06
Bill No.: Perfected HCS for HBs 1344 & 1944
Subject: Crimes and Punishment; Firearms and Firework; Motor Vehicles.
Type: Original
Date: March 14, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	Unknown	Unknown	Unknown
Total Estimated Net Effect on <u>All</u> State Funds	Unknown	Unknown	Unknown

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	(Unknown)	(Unknown)	(Unknown)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

FISCAL ANALYSIS

ASSUMPTION

Concealed Weapons in passenger compartment of a motor vehicle (Section 571.030);

Officials from the **Department of Corrections, Department of Natural Resources, Department of Conservation, Office of the State Courts Administrator, Office of Prosecution Services, Office of the State Public Defender** and the **Department of Public Safety - Divisions of Missouri Highway Patrol, Missouri Water Patrol, Capitol Police and Fire Safety** each assume this proposal would not fiscally impact their respective agencies.

In response to similar legislation from this year, officials from the **Springfield Police Department** assumed this proposal would not fiscally impact their agency.

Project Exile (Section 571.099);

Officials from the **Department of Public Safety – State Highway Patrol** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of State Courts Administrator** would not expect a significant impact on the budget of the judiciary.

In response to a similar proposal from the current session (SB 689), officials from the **Office of Attorney General** and the **Jefferson City Police Department** assumed the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Public Defender (SPD)** state for the purpose of this proposed legislation, they have assumed that existing staff could provide representation for those cases arising where indigent persons were charged with the weapons offenses that could also be charged in federal court . More trials may be necessary. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Officials from the **Office of Prosecution Services** assume the proposed legislation would have an unknown impact on the caseload of local prosecuting attorneys.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** assume the proposed program would require the state to review certain weapons offense cases for the possibility of diversion to federal

prosecution if it were likely to result in more restrictive bail, stricter enforcement, or a greater penalty being assessed. The DOC assumes it is unknown how many offenders (who might otherwise receive sentencing to the DOC) would be serving federal prison time due to passage of this bill. Federal sentencing guidelines are unique to each convicted offender. In general, offenders with convictions for armed criminal action also have longer concurrent sentences.

In FY 01, there were a total of 1,416 new admissions with a weapons charge to the DOC, with 384 of these having a weapons charge as their most serious offense. 278 of these had a sentence of 3 years for unlawful use of a weapon, so there is a possibility that the Federal sentencing would be more severe. Perhaps the Prosecutors or the Courts would have an estimate of the number of federal diversions.

If additional persons are diverted from the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding decrease in operational costs either through incarceration (FY 01 average of \$35.78 per inmate per day, or an annual cost of \$13,060 per inmate) or through supervision provided by the Board of Probation and Parole (FY 01 average of \$3.34 per offender per day, or an annual cost of \$1,219 per offender).

In summary, sentencing offenders to the federal system instead of the DOC would result in additional unknown savings to the DOC. Eight (8) persons would have to be diverted per fiscal year to exceed \$100,000 annually in savings. The amount of potential savings to the DOC due to passage of this proposal is unknown.

Concealed Weapons permits for retired peace officers (HA 2);

In response to similar legislation from this year, officials from the **Department of Public Safety – Director’s Office, – Capitol Police, – Division of Fire Safety, – State Water Patrol, – State Highway Patrol, Office of State Public Defender, Department of Natural Resources, Office of State Courts Administrator,** and the **Department of Conservation** each assumed the proposed legislation would have no fiscal impact on their agencies.

In response to similar legislation from this year, officials from the **Greene County Sheriff’s Department** assumed there could be some increased work initially, as several retired officers would be

ASSUMPTION (continued)

applying and the criminal history checks would increase. But this would not make a significant impact on their department. No fiscal impact on their department is anticipated with the passage of this legislation.

In response to similar legislation from this year, officials from the **Department of Mental**

Health (DMH) assumed all fiscal issues impact the county sheriffs. There is no direct authority to act nor responsibilities given to the DMH under this bill. DMH assumed they would not be involved in the actions of section 571.096.1(6) but that such information would come to the sheriff from the local court.

In response to similar legislation from this year, officials from the **Office of Prosecution Services** assumed prosecutors could absorb the costs of the proposed legislation within existing resources.

Officials from the **Department of Corrections (DOC)** assume they cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY01 average of \$3.34 per offender per day, or an annual cost of \$1,219 per offender).

The DOC does not anticipate the need for capital improvements at this time. It must be noted that the cumulative effect of various new legislation, if passed into law, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Unlawful possession of a firearm (HA 4);

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** assume this amendment would only be enforced when contact, such as a traffic stop, is made with an individual that meets the criteria set forth in Sections (1) and (2). Section 571.070 would not require MHP to locate these individuals and search their homes, cars, etc. for firearms.

ASSUMPTION (continued)

Officials from the **Office of the State Courts Administrator** and the **Department of Corrections** each assume this part of the proposal would not fiscally impact their respective agencies

Officials from the **Office of the State Public Defender (SPD)** state this particular part of the

proposal would not change their overall fiscal impact statement for the bill.

Officials from the **Office of Prosecution Services** did not respond to our request for fiscal impact. However, **Oversight** assumes this part of the proposal would not fiscally impact their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
GENERAL REVENUE FUND			
<u>Savings</u> – Department of Corrections Incarceration/Probation costs (project exile)	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
POLITICAL SUBDIVISIONS			
<u>Costs</u> to Prosecutors	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal allows individuals age 21 and over to transport a concealable firearm in the passenger compartment of a vehicle. The firearm must be lawfully possessed, and it cannot be

carried
on the person.

The proposal also allows any retired peace officer holding a valid permit to carry a concealed weapon. This permit would be issued by the sheriff of the county in which the applicant resides. The permit shall be good for a three year period and all costs of obtaining or renewing the permit shall be borne by the applicant.

The proposed legislation would also create "Project Exile," a program that would require the state to review certain weapons offense cases for the possibility of federal prosecution.

The proposal also makes it illegal for persons who have pled guilty to or been convicted of a dangerous felony or confined therefor in the state or elsewhere during the last five-year period or anyone who is a fugitive from justice, is habitually in an intoxicated or drugged condition or is currently adjudged mentally incompetent to possess a firearm.

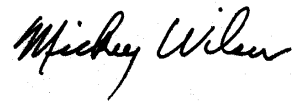
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Missouri State Highway Patrol
Missouri State Water Patrol
Capitol Police
Fire Safety
Department of Conservation
Department of Corrections
Department of Natural Resources
Office of the State Courts Administrator

SOURCES OF INFORMATION (continued)

Office of the State Public Defender
Office of Prosecution Services
Attorney General's Office
Jefferson City Police Department
Springfield Police Department

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Acting Director
March 14, 2002